

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 03-CR-30083-MJR
	)	
DANIEL SMITH,	)	
	)	
Defendant.	)	

ORDER REGARDING SECOND/SUPPLEMENTAL  
MOTION TO REDUCE SENTENCE

REAGAN, District Judge:

After Daniel Smith pled guilty to possessing (with intent to distribute) cocaine base, the undersigned Judge sentenced Smith to 188 months in prison - plus a four-year term of supervised release and a \$750 fine. Judgment was entered on December 22, 2003.

In August 2008, Smith submitted a letter to the Court (Doc. 34) inquiring whether he is eligible for a sentence reduction under the amended United States Sentencing Guidelines. As directed by the undersigned Judge, the Clerk's Office docketed Smith's letter as a motion to reduce sentence under 18 U.S.C. § 3582(c)(2). On August 18, 2008, the undersigned Judge issued an Order explaining to Smith how his motion for sentence reduction (Doc. 34) would be handled. The Court also sent Smith a copy of Administrative Order 102 (Doc. 35), which appointed the Federal Public Defender's Office of this District to investigate and pursue, on Smith's behalf, any possible sentence reduction available under the amended Guidelines.

On October 31, 2008, Smith filed another motion for sentence reduction (Doc. 36), this one styled as a motion requesting a “modification” of sentence and a “new sentencing hearing” under 18 U.S.C. § 3553(a) and § 3582(c). The Court will CONSTRUE Doc. 36 as a *supplement* to Smith’s earlier-filed motion to reduce sentence (Doc. 34).

The Court emphasizes that, since Smith has appointed counsel, **he should file no further pleadings on his own**. Rather, Smith’s briefs and motions should be filed through his attorney, Mr. Phillip J. Kavanaugh, III of the Federal Public Defender’s Office for the Southern District of Illinois.

IT IS SO ORDERED.

DATED this 7<sup>th</sup> day of November 2008.

s/ Michael J. Reagan  
MICHAEL J. REAGAN  
United States District Judge